

# 2300 - Student Code of Conduct and Resolution Process

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2300

## STUDENT CODE OF CONDUCT & RESOLUTION PROCESS

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### A. Introduction

**A-1.** The University of Idaho is committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural, and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship. Student expectations include:

- Students are expected to show respect for order, civility, and respect for the rights of others within and without the University as these attributes are demanded of good citizens.
- Students are expected to uphold the rights and dignity of others regardless of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation or gender identity.
- Students are expected to uphold the integrity of the University as a community of scholars in which free speech is available to all and intellectual honesty is demanded of all.
- Students are expected to respect University policies as well as local, state, and federal law.

**A-2.** The University of Idaho conduct process works to balance the safety and security of the members of the University of Idaho community through personal accountability, reflection, and growth. Students have an opportunity to reflect on their choices, understand how their actions have an impact on those around them, and grow from the experience.

**A-3.** The University strives to provide a fair and consistent student conduct process based on university policy and best practices. By educating students to better understand how their decisions affect themselves and their community they learn reflection, follow-up, and accountability. The Dean of Students Office collaborates with campus and community partners to provide resources and support to students.

## **B. Purpose**

**B-1.** The Student Code of Conduct & Conduct Resolution Process (“the Code”) contains prohibited student conduct and regulations for addressing reports of such conduct in a manner consistent with the requirements of procedural due process. In addition to the general expectations for conduct as set forth in this chapter, it contains a description of prohibited conduct.

**B-2.** The Dean of Students or their designee (referred to collectively in the Code as "the DOS") has primary authority and responsibility for the administration of the Code.

The DOS, upon finding, in its discretion, that there is a conflict of interest, or for other reasons necessary to effectuate the policy, may appoint an external person to serve in any of the roles created in the Code. The Dean of Students works with faculty, staff, hearing officers, and/or the student conduct board in the disposition of Student Code of Conduct violations. There is no standard discipline that applies to violations of the Student Code of Conduct. In deciding the outcome in each situation, the Dean of Students will consider, among other factors, the nature and seriousness of the behavior, the motivation underlying the behavior, and precedent in similar cases.

**B-3.** Although DOS has primary authority and responsibility for administration of the Code, the Director of the University's Office of Civil Rights and Investigations ("OCRI") has primary authority and responsibility for the investigation of prohibited student conduct that includes allegations of discrimination, as defined in the Code. We invite you to learn more about the interplay between the Code and OCRI's policies, procedures, and processes by visiting [OCRI's website](http://ocri.uidaho.edu) or directing inquiries to [ocri@uidaho.edu](mailto:ocri@uidaho.edu).

**B-4.** The Code does not restrict protected speech, even speech that some may find objectionable. The interplay between freedom of speech and expectations for students is complex and we invite you to learn more about freedom of speech and the Dean of Students office student conduct processes as they relate to freedom of speech by directing inquiries to [askjoe@uidaho.edu](mailto:askjoe@uidaho.edu).

**B-5.** The University bears the burden of proving that a student engaged in misconduct by a preponderance of evidence. A “preponderance of evidence” means that quantity and quality of evidence which, when fairly considered, produces the stronger impression, and has the greater weight, and is more convincing as to its truth than the evidence in opposition –or in other words, the facts as determined by the Hearing Officer or Board indicate that it is more likely than not that the student violated the Code. Formal rules of evidence applied in courtroom proceedings do not apply to this process. Evidence that is determined to be relevant to a case, by the Hearing Officer, Administrator, or Board Chair, is admissible at a hearing. This may include direct evidence, circumstantial evidence, documentary evidence, hearsay evidence, and signed statements. Admitting evidence does not imply that the evidence carries specific level of weight, including persuasiveness and credibility. Unduly repetitive information is not relevant.

**B-6.** The administration of the Student Code of Conduct and Student Conduct Process applies affirmative action and equal opportunity standards consistent with FSH 3060 and 3065. Additionally, the Code is supported by nondiscrimination practices and definitions in FSH 3200, 3210, 3215, and 6100.

## **C. Scope**

### **C-1. Individuals subject to the Code**

#### **a. Students**

1. By enrolling at the University of Idaho, students voluntarily accept responsibility for compliance with all University policies including the Code.
2. Students are responsible for their behavior from time of admittance to the University through the awarding of a degree, even though conduct may occur before classes begin or after classes end. Students are responsible for their conduct during the academic year and during periods between enrollment terms.
3. The University recognizes that students may also be employees, and their conduct may be subject to review and discipline under the Code and any applicable employment policies.

**b. Reporting parties.** Employees and students who are reporting student behavior that may be prohibited by the Student Code of Conduct.

**c. Other.** Employees and students who are otherwise involved in the conduct process.

### **C-2. Behavior subject to the Code**

**a.** The Code applies to conduct that occurs on University property, within or at University-sponsored activities, off campus, online, or through other electronic means.

**b.** The University may address off-campus behaviors when the Dean of Students determines that the off-campus conduct affects a University interest. University interests include but are not limited to health and safety, protection of rights or property of others and promoting the University's mission.

- c. Jurisdiction for the DOS to address student behavior or misconduct begins upon admission and ends at commencement. If serious misconduct was committed while a student was enrolled but is reported after graduation, the University may invoke the disciplinary process referred to in Section F and may revoke the student's degree if they are found responsible.
- d. If a student withdraws from school while a conduct matter is pending, the Code remains applicable to the student's conduct prior to withdrawal.
- e. The University reserves the right to proceed with the conduct process in a student's absence or to delay the process until the student seeks re-enrollment.
- f. Depending on conduct process outcomes, a hold may be placed on the student's ability to re-enroll and the student may be required to satisfy all outcome requirements prior to re-enrollment eligibility.
- g. Behavior conducted online, or through any other electronic medium, including online postings, video, photographs, blogs, web postings, chats, and social networking sites is in the public sphere and is not private and falls within the jurisdiction of the Code provided the other criteria, e.g., student status, are satisfied.
- h. If the prohibited conduct involves a student organization, the individual students are subject to the Code, and the organization is subject to FSH 2350 Student Organization Code and Resolution Process.
- i. DOS encourages all behavior to be reported in a timely manner but understands that barriers may exist to reporting prohibited behavior and that some reported behavior warrants DOS review for conduct proceedings even if the reported behavior occurred well in the past. DOS has discretion to initiate conduct proceedings for all reported behaviors, regardless of time of occurrence, based on the nature of and totality of the circumstances.

**D. Definitions.** The following definitions explain the terminology used in the Code. Particular code violations are listed and defined in Section E Prohibited conduct.

**D-1. Academic dishonesty:** Intentional participation in deceptive practice in one's academic work or the academic work of others. Examples include cheating, fraud, plagiarism, or falsification of research results and are individually addressed and more fully defined in Section E .

**D-2: Academic outcome:** A consequence imposed by instructors for findings of academic dishonesty. Academic outcomes include, but are not limited to, grade adjustments, failing a class, or resubmission of academic work.

**D-3: Academic work:** Any academic work required for completion of academic requirements in a course. Academic work includes but is not limited to assignments, quizzes, examinations, problem solving, class exercises, and/or drafts of work.

**D-4: Administrator:** The Dean of Students or designee will serve as the administrator. The administrator can serve as a decision-maker and is the non-voting advisor to the Student Conduct Board and each SCB hearing panel.

**D-5: Advisor:** The person of the student's choosing who has agreed to advise the student during the University disciplinary process and attend scheduled meetings with the student. The Advisor's role is simply to advise the student, and the Advisor is not permitted to speak during hearings, conferences, or interviews unless allowed by the University official conducting the interview.

**D-6: Complainant:** An individual who is alleged to have been subjected to conduct that could constitute prohibited conduct under the Code. There may be more than one complainant for an incident. In certain circumstances, the Dean of Students or another University official may initiate a resolution process under the Code against one or more respondents on behalf of the University where there is not a complainant in the incident, the complainant(s) is(are) unknown, or the complainant(s) does(do) not wish to participate in the resolution process. Initiating a resolution process under the Code does not suggest that the allegations are credible or have merit or that there is evidence sufficient to determine responsibility. The Dean of Students or other University official who initiates the resolution process does not become a complainant or other party to the resolution process and still serves free from bias or conflict of interest for or against any party in the process.

**D-7: Conduct decision:** A written decision determining the resolution of the reported behavior. The decision will include a finding of responsible or not responsible and any applicable outcomes.

**D-8: Conduct record:** The student conduct record maintained by the Dean of Students in connection with a reported or substantiated violation of the Code. The student conduct record may include complaints, notices, hearing records, conduct findings, outcomes, and other documents deemed relevant by the Dean of Students.

**D-9: Consent:** Knowing, voluntary, and clear permission by word or action to engage in activity with another individual(s), not limited to sexual activity. Consent can be withdrawn at any time upon notice, by word or action, to the other party.

**D-10: Days:** Days that the University is open for business, not including Saturdays, Sundays, Fall Recess, Winter Recess, Spring Recess, or University holidays.

**D-11: DOS:** The Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct and includes the Dean of Students and their designees.

**D-12: Educational setting:** All academic, educational, extracurricular, athletic, and other programs of the University of Idaho, regardless of location, and including online formats.

**D-13: Final institutional decision:** The final institution decision is the outcome of an informal resolution, hearing with a hearing officer, or hearing with a student conduct board and at the point at which the parties have pursued or declined all response opportunities.

**D-14: Finding:** A conclusion reached as result of an inquiry, investigation, or hearing and is also referred to as a decision.

**D-15: Formal resolution process:** A conduct process by which notice and opportunity to be heard is provided and that often includes a student conduct process occurring before a Hearing Officer or Student Conduct Board which issues a written decision following the hearing.

**D-16: Hearing:** A formal process maintained by the University to review and address allegations of violations of the Code that follows the process and rules outlined in the Code but is not subject to other external rules (such as federal or state evidentiary rules or procedures).

**D-17: Hearing officer:** A person appointed by the Administrator to serve as the person presiding over a hearing. The hearing officer investigates the alleged behavior and administers the conduct process for informal resolutions. The Administrator may also serve as the hearing officer.

**D-18: Hearing panel:** A panel composed of members of the Student Conduct Board, who are selected by the Student Conduct Board chairperson for purposes of hearing a formal resolution process and issuing a written decision that may include findings of responsibility of Code violation.

**D-19: Informal resolution process:** An alternative method of resolving a matter under the Code, entered into voluntarily by all parties and the University, that seeks to address and resolve the alleged conduct or harm without the use of the formal resolution process outlined below.

**D-20: Instructor:** In cases of academic dishonesty, the instructor may be the faculty member, teaching assistant, or other employee responsible for course instruction.

**D-21: Investigator:** The person assigned by the University to investigate a report of a violation of the Code.

**D-22: Mediation:** An intervention between conflicting parties to promote reconciliation, settlement, or compromise.

**D-23: Misconduct:** Behavior that is prohibited by the Student Code of Conduct or that violates a University directive or policy.

**D-24: Office of Civil Rights & Investigations (OCRI):** The Office at the University that is responsible for ensuring compliance with federal and state laws and University policies related to discrimination or harassment based on a protected class. This includes retaliation when engaging in a protected process. OCRI undertakes necessary investigations and prepares recommendations and written reports that may be reviewed by the DOS for further conduct processes related to the underlying facts investigated and the nature of the reported behaviors of students investigated by their office.

**D-25: Outcome:** Disciplinary or corrective action imposed by the deciding body of a student conduct process following a finding of student misconduct. The term includes, but is not limited to, educational programming, restitution, community service activities, apology letters, probation (including denial of specified University privileges), suspension, termination, or other such outcomes deemed appropriate.

**D-26: Parties:** The Respondent(s) and the Complainant(s).



**D-27: Policy:** The written regulations of the University as found in, but not limited to, the Faculty Staff Handbook, including the Student Code of Conduct, the Administrative Procedures Manual, the Residence Hall Handbook, all Housing and Residence Life policies, and Graduate and Undergraduate Catalogs.

**D-28: Preponderance of the evidence standard:** The standard of evidence that is used to decide responsibility of Code violation. It means that it is more likely than not, based upon the totality of all relevant evidence and reasonable inferences from the evidence, that there is a violation of the Code.

**D-29: Probation:** The process or period of observing the character or abilities of a student to determine whether other corrective action should occur. An additional resolution process is not necessary to modify outcomes following a finding of misconduct where probation is imposed. The DOS has discretion to modify the terms of probation as necessary based on the information available to the DOS during a student's probation.

**D-30: Protected Status:** Protected status includes race, color, religion, national origin, age, protected military status, disability, family status, genetic information, creed, or sex (including pregnancy, parenting, sexual orientation, or gender identity or expression).

**D-31: Respondent:** The student who is alleged to have violated the Code.

**D-32: Student:** Includes, but is not limited to, all persons admitted to the University, either full time or part time, online or in person, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered "students":

- a. Persons who are suspended, or those who withdraw or graduate after allegedly violating the Code of Conduct.
- b. Persons who are eligible to enroll for classes without applying for re-admission.
- c. Individuals participating in the American Language and Culture Program, Independent Study of Idaho sponsored by the University of Idaho, the University of Idaho International Student Success Program (UI-ISSP), or any other similar educational program of the University.

**D-33: The Code:** The Student Code of Conduct and Conduct Resolution Process.

**D-34: Student Conduct Administrator (Administrator):** The University of Idaho official designated by the DOS to serve as an investigator or hearing officer. It will also include the Administrator's designee.

**D-35: Student Conduct Board (SCB):** The formal body that reviews student conduct matters, as set forth in the Code.

**D-36: Weapon:** Weapon is defined in APM 95.12.

**E. Prohibited conduct.** Specific behaviors of misconduct are identified and defined below.

**E-1. Academic dishonesty.** Acts of academic dishonesty include but are not limited to the following:

**a. Cheating.** Cheating includes, but is not limited to, the following actions as they relate to academic work:

1. Using, purchasing, providing, or possessing unauthorized materials, sources, or assistance without authorization from the instructor.
2. Copying from another's academic work either for the student's own use or for the use of others.
3. Sharing academic work without prior permission from instructor.
4. Acquiring, without written or verbal permission, tests or other academic material belonging to the instructor or another member of the University faculty or staff.
5. Completing academic work for someone else or having someone else complete academic work on your behalf.
6. Representing another student in a class for attendance or participation purposes or asking another person for representation for attendance or participation purposes.
7. Fabrication or falsification of data, research or academic content and the unauthorized alteration or invention of any information or citation.
8. Forging, altering, reproducing, removing, destroying, or misusing any University document, record, or instrument of identification.

**b. Plagiarism.** Plagiarism includes, but is not limited to, the following:

1. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment.
2. The unauthorized alteration or invention of a citation.
3. Buying or selling academic work for the purpose of submitting it for course completion.
4. Submitting academic work, or any part of academic work, completed for one course as work for another course without the express prior approval of both instructors.

**c. Prohibited behavior.** Engaging in any behavior related to course completion prohibited by the instructor or otherwise including but not limited to unauthorized collaboration and reliance on prohibited technological assistance/artificial intelligence tools.

**d. Misrepresenting facts for academic advantage.** Examples include but are not limited to providing false academic achievements and false medical documentation for academic extensions.

**e. Violation of University policy regarding intellectual property and research.** All data acquired through participation in University research programs is the property of the University and must be provided to the principal investigator. In addition, collaboration with the Office of Research and Economic Development for the assignment of rights, title, and interest in patentable inventions resulting from the research is also required. See FSH 3200 and 5400.

**E-2. Disruption or misuse of University resources or property.** This behavior includes but is not limited to the following:

**a. Theft or damage.** Attempted or actual theft of or damage to University property.

**b. Unauthorized possession.** Unauthorized possession, duplication, or use of University keys, lock combinations or other access codes or passwords that can be used to access University property or facilities.

**c. Unauthorized entry or use.** Unauthorized entry into or use of any University owned or managed building, space, outdoor area, or property. This also includes other restricted areas identified in APM 35.35.

**d. Violation of law or other policy.** Violation of local, state, federal or campus fire policies including but not limited to:

1. Building or setting fire(s) without proper authorization as required by APM 35.25.
2. Removing or otherwise tampering with fire equipment or fire alarm systems.
3. Failure to promptly vacate a building
4. Intentionally or recklessly causing a fire that damages University or personal property or causes injury.
5. Causing, making, or circulating a false report or warning of fire, explosion or another emergency.

**E-3. Misuse of technology resources.** Theft or other abuse of University computer facilities or resources. This includes but is not limited to the following:

- a. Interfering with the normal operation of the University computing system or resources.
- b. Inappropriate or disproportionate use of an IT resource owned or controlled by the University.
- c. Any violation of APM 30.12 University Acceptable Use of Technology Resources.

**E-4. Threat of harm or actual harm to a person's physical or mental health or safety.** This behavior includes but is not limited to the following:

- a. **Behavior involving physical force or threat of physical force.** Behavior involving physical force that hurts another person or intimidation or threat of such force directed at another person where a reasonable person would believe the threat to be serious and imminent in nature. It includes the following:

**1. Fighting.** Engaging in violence, combat, or aggression.

**2. Assault.** Behavior intended to cause apprehension of harmful or offensive contact that causes apprehension of physical safety of another. The act required for an assault must be overt. Although words alone are insufficient, they may create an assault when coupled with some action that indicates the ability to carry out the threat and it creates a fear of it being carried out in the person the assault behavior is directed at.

**3. Battery.** Actual and intentional unwanted touching or contact with another person, even if the physical injury is slight.

**4. Use of a knife, gun, or other weapon.** The use of a knife, gun, or other weapon except in reasonable self-defense in any act of violence as defined in the Code.

**5. Involuntary restraint or transport.** Restraining or transporting a person against their will.

**6. Other.** Any action that threatens or endangers the physical health or safety of any person.

## **b. Prohibited harassment**

**1. General definition.** Prohibited harassment is hostile or threatening conduct or speech, whether verbal, written, or symbolic, that is sufficiently severe or pervasive, as viewed by a reasonable person under similar circumstances and with similar identities to the victim, and results in an objectively hostile or threatening environment that interferes with or diminishes another's ability to participate in or benefit from the services, activities, or privileges provided by the University.

**2. Exception.** Speech that is protected by the First Amendment to the United States Constitution, including relevant academic speech spoken in a classroom or writing assignment, protests and statements that do not meet the narrow definition described above, is not a violation of the Code, though it may go against community norms and may be harmful or hurtful to other members of the University community or members of certain groups.

**c. Threatening or intimidating behavior.** Threatening or intimidating behavior includes, but is not limited to:

**1. Coercion.** The practice of persuading someone to do something by using force or threats.

**2. Bullying.** Behavior seeking to harm, intimidate, or coerce another.

**3. Deliberate destruction of or damage to property.** Deliberate destruction of or damage to public or private property, where a reasonable person would believe that the full or partial intention of the act is to harass an individual or a group based on protected characteristics as defined in [FSH 3200 Policy of Nondiscrimination](#).

**d. Hazing.** Hazing includes, but is not limited to, any action or participation in any activity that (i) causes or intends to cause physical or mental discomfort or distress, (ii) may demean any person, regardless of location, intent, or consent of perpetrators or victims or (iii) destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts. They are also violations of this rule.

Hazing also includes any activity that compels a student to participate in any activity that is unlawful, publicly indecent, or contrary to the policies and regulations of the University, or any activity that unreasonably and materially interferes with a student's academic efforts.

## **E-5. Discrimination and retaliation.**

**a. Discrimination.** Limiting or denying services, benefits, or opportunities of the University based on a protected status. Examples of prohibited discrimination can be found on the [OCRI website](#) or by directing inquiries to [ocri@uidaho.edu](mailto:ocri@uidaho.edu).

A person can engage in prohibited discrimination even if the person has the same protected status as or does not mean to offend the target(s) of the conduct. Alleged discrimination will be referred to OCRI, the office responsible for investigating those claims using its complaint resolution processes.

Discrimination includes:

1. Conduct prohibited by the Code, if based on a protected status, including harassment as defined in paragraph E-4.a, above.
2. Retaliation, as defined in paragraph E-5.b, below, when the protected activity is based on a protected status.
3. Different treatment discrimination, meaning intentionally treating an individual or group differently based on a protected status.
4. Disparate impact discrimination, meaning evenhandedly implementing a facially neutral practice or rule in a way that has an adverse impact on one or more individuals based on a protected status.

**b. Retaliation.** Retaliation includes conduct that intimidates, interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual opposes or reports a perceived wrongdoing, inequity, or violation of law or University policy, files a complaint alleging illegal or prohibited discrimination or violation of law or University policy, participates in a University grievance or response procedure, or participates in a University dispute resolution process. Alleged retaliation when the activity is based on a protected status will be referred to OCRI, the office responsible for investigating those claims using its complaint resolution processes.

#### **E-6. Disruption, obstruction, or interference with normal University activities.**

Members of the University community have the right to a campus that is free from unreasonable disruption, obstruction, or interference. Disrupting or obstructing normal University activities, including, but not limited to, all academic activities, University programming, athletic events, and administrative functions is prohibited. Examples include:

- a. Classroom disruption: Behavior that interferes with the teaching or learning process in the classroom or educational setting and continues after an instructor's request to cease.
- b. Obstruction of the free flow of pedestrian or vehicular traffic on campus.
- c. Conduct that is lewd, indecent or disruptive that is not otherwise constitutionally protected speech.

**d.** Falsifying, distorting, or misrepresenting information provided to the University.

**e.** Interference with the student conduct system, which includes, but is not limited to, any of the following:

**1.** Failure to cooperate with the University's investigation or disciplinary proceeding. If a party in a case does not want to participate because they believe that doing so would cause them to speak or offer evidence against themselves, and they notify the DOS that this is the reason they are choosing not to participate or only to participate partially, this violation will not apply.

**2.** Disrupting or interfering with the University's investigation and student conduct proceedings.

**3.** Making false allegations.

**4.** Attempting to discourage an individual's proper participation in, or use of, the student conduct process.

**5.** Harassment (verbal, physical, written, or electronic) or intimidation of any person participating in the University's investigation prior to, during, or after the investigation and conduct process concludes.

**6.** Failure to comply with the outcome(s) imposed pursuant to the disciplinary process.

**f.** Influencing or attempting to influence another person to commit any violation of the Code.

**g.** Engaging in speech, including but not limited to verbal, electronic, or written communication, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

## **E-7. Use and Misuse of Substances**

**a. Smoking.** Smoking in violation of APM 35.28.

**b. Drugs and controlled substances**



1. Using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, designer/synthetic drug, or substance, including, but not limited to, cannabis, heroin, narcotics, or other controlled substances, in violation of any applicable law or University policy.
2. Possessing or using any paraphernalia used for drug consumption. Paraphernalia includes but is not limited to bongs, bowls, pipes, or any homemade smoking device.
3. Using, possessing, selling or distributing prescription or over-the-counter medications by an individual for whom it was not prescribed.
4. Inhaling or ingesting any substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student's mental state without a prescription.
5. A violation may also occur when the odor of an illegal or controlled substance or drug is present when more than one individual can reasonably trace it to a specific individual.

#### **c. Alcohol**

1. Consuming, possessing, manufacturing, or distributing alcoholic beverages in violation of any applicable law or University policy (see APM 80.01 for alcohol permit requirements and APM 95.31 for alcohol policy).
2. For persons under 21, the use or possession of alcoholic beverages. public intoxication or excessive consumption of alcohol. disorderly or irresponsible conduct resulting from consumption of alcohol.
3. For persons over 21, the use or possession of alcohol in public areas where alcohol is not permitted. excessive consumption of alcohol resulting in disorderly or irresponsible conduct.
4. Selling, distributing, or furnishing alcohol to a person under 21 years of age.

**E-8. Housing and living groups.** Violations of any rules imposed by University Housing or living groups outlined in the Housing contract and Housing handbook.

**E-9. Violation of University policy.** Violation of published University policies, rules and regulations.

**E-10. Violation of law.** Any violation of federal law, state law, or local ordinance may be a violation of the Code, independent of the status of any civil or criminal litigation in court or criminal arrest and prosecution. Decisions made or outcomes imposed under the Code will not be subject to change because criminal charges arising out of the same facts were adjudicated in a civil or criminal court process. The University will cooperate as appropriate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with University policies.

**E-11. Furnishing false information, refusal to identify, and refusal to comply**

- a.** Furnishing false information or false representations to any person working for or authorized to act as an authority on behalf of the University.
- b.** Refusal to identify oneself to an institutional representative in response to a request when on any University owned or managed property.
  - 1.** Identification includes giving one's name, substantiated by a current driver license or student identification card or other official documentation, or by stating truthfully whether one is a student of the University or not.
  - 2.** An institutional representative includes any employee, faculty member, or representative of the University, and any attorney, peace officer, or campus security officer of the University acting under the authority of the University.
- c.** Failure to comply with directions of a University official, law enforcement, fire department, or other government official acting in performance of their duties.
- d.** Using false identification or another individual's identification card to procure goods, entry or services.
- e.** Submission of false information or withholding requested information at the time of admission or readmission.

**E-12. Firearms, explosives, and other weapons.** Possessing or using firearms, explosives, other weapons, projectile or explosive devices or substances, or dangerous chemicals in violation of APM 95.12, APM 35.34, or APM 35.35.

**E-13. Disruption to community**

- a.** Attempted, threatened, or actual theft of or damage to another's property.

**b.** Unauthorized entry into or use of another's property.

**c.** Excessive noise, amplified sound, or music that produces a level of noise that disrupts members of the community.

## **F. Conduct resolution process**

### **F-1. Reporting alleged violations**

**a.** The DOS will accept reports from anyone with knowledge of potential Code violations. Reports must be made to the DOS. Reports of Title IX and related violations covered by [FSH 6100](#) will not be reviewed under the Code but will be accepted by DOS and then forwarded to the Title IX Coordinator or other appropriate office for review. Allegations against Student Organizations will be addressed as per the Student Organization Code of Conduct, FSH 2350.

**b.** Reports should be in writing but may be reported orally to the appropriate University official. A report should be submitted as soon as possible after the incident takes place.

**F-2. Initial review.** The DOS or office assigned by DOS will conduct an initial review of reports of Code violations. The purpose of the review is to gather relevant information concerning each allegation and determine whether further investigation is warranted. When appropriate, the DOS will transfer the notice and investigation process to the Office of Civil Rights & Investigations (OCRI). The initial review may include interviewing the involved parties and witnesses without formal notice.

### **F-3. Notice of allegation.**

**a.** Following the initial review, the hearing officer will determine whether to initiate the conduct resolution process. In order to initiate that process, the hearing officer will provide notice of reported Code violation(s) to the respondent.

**b.** The notice informs the respondent of the reported Code violations including a short description of the basis of the reported violation.

**c.** The notice may include resolution options if further investigation is not required. Resolution options are detailed in the Hearing Process section below. If further investigation is required, the notice will include details of the investigative process.

**d.** The notice will include a link to or copy of the Code.

**e.** The hearing officer must give the respondent an opportunity to meet in person within a reasonable time after the notice of allegation is delivered to the respondent. The meeting gives the respondent an opportunity to respond to the notice, present any information the respondent would like the hearing officer to consider, and provide the names of any witnesses the respondent would like the hearing officer to contact.

**f.** If a respondent does not participate in the initial meeting, the hearing officer will make reasonable attempts to reach the respondent for five business days. If there is no response, the hearing officer will determine the appropriate resolution process.

**F-4. Initial meeting.** The hearing officer must give the respondent an opportunity to meet in person within a reasonable time after the notice of allegation is delivered to the respondent. The meeting gives the respondent an opportunity to respond to the notice, present any information the respondent would like the hearing officer to consider, and provide the names of any witnesses the respondent would like the hearing officer to contact.

**F-5. Interim action and supportive measures.**

**a.** At any time before a final institutional decision, the Administrator, or designee, may impose restrictions on a student or separate the student from the University community pending the final institutional decision. If circumstances allow, the Administrator or designee should meet with the student prior to imposing the interim action.

**b.** Other than issuance of no-contact orders, an interim action issued prior to a hearing before the Hearing Panel may only be imposed when

- 1.** The Administrator determines that the student represents a threat of serious harm to any person.
- 2.** The student is facing allegations of serious criminal activity.
- 3.** The action is necessary to preserve the integrity of the investigation.

**4.** The action is necessary to preserve University property or the action is necessary to prevent disruption of, or interference with, the normal operations of the University.

**c.** After the hearing decision, pending any response review of the decision, the Administrator may impose an outcome issued by the Hearing Panel as an interim action at the discretion of the Administrator.

**d.** Supportive measures are neutral actions intended to preserve the ability of the parties to continue their academic and other pursuits. Supportive measures may continue beyond the final resolution of the incident.

**e.** Interim actions and supportive measures may include, but are not limited to, the following:

- Suspension from the University pending a final institutional decision.
- Issuance of a no-contact order.
- Exclusion from University property.
- Removal from the residence halls.
- Removal from extracurricular activities, including participation on athletic teams.
- Withholding the award of a degree pending the conclusion of the investigation and hearing process.
- Requesting class section changes.
- Housing relocation (either temporary or permanent).
- Any other action deemed necessary and appropriate by the Administrator to maintain orderly and appropriate University operations.

**f.** When a student is suspended from the University, or directed not to attend certain classes, alternative coursework options may be pursued, with the approval of the Administrator and the appropriate college dean, to ensure as minimal an impact as possible on the responding student.

- g.** An interim action must be issued in writing and is effective when the Administrator delivers the Notice of Interim Action to the responding student either in person or by email sent to the student's official University of Idaho email account.
- h.** The respondent may submit a response to the issuance of any interim action by filing a response with the Administrator. There are no formal procedures for this response, and the interim outcomes remain in effect unless removed by the Administrator.
- i.** A violation of the provisions of an interim action will be considered a violation of the Code.

#### **F-6. Informal resolution process: Decision by hearing officer**

- a.** During the initial meeting, the respondent may be given an opportunity to resolve the complaint informally. All parties must mutually agree to engage in the Informal Resolution Process. The Informal Resolution Process may also be used when the respondent is not participating.
- b.** At any point in the Informal Resolution process, any party may request a Formal Resolution Process, described below. The hearing officer may refer a matter to Formal Resolution Process at any point during the Informal Resolution process.
- c.** In the Informal Resolution Process, the hearing officer determines based on the preponderance of the evidence whether the respondent is responsible for a code violation and determines the outcomes. The hearing officer will first meet with the parties (if applicable), share available information, and hear their response, if any. A respondent may also accept responsibility for a Code violation at any point in the process. If the respondent accepts responsibility, the hearing officer will determine the outcomes.
- d.** Informal Resolution decisions are not subject to response review.
- e.** If the respondent does not participate and a decision is made through Informal Resolution, the respondent may request their case to be reopened. Requests must be made in accordance with the instructions in the outcome notice and received no later than five (5) days after that outcome notice. If the request is timely submitted, the hearing officer will offer to meet with the respondent. During that meeting the respondent can share information with the hearing officer. The

hearing officer reserves the right to update the decision of responsibility and any applicable outcomes after meeting with the respondent. The hearing officer will notify the respondent within five (5) days whether the decision of responsibility or applicable outcomes have changed.

## **F-7. Formal resolution process: Decision by Administrator or Student Conduct Board**

### **a. Investigation**

- 1.** The University will investigate the allegations. At any time during the investigation, either the complainant or the respondent may, but is not required to, provide information to the investigator for consideration. Such information may include documentary information, the names of witnesses, witness statements, suggested questions to ask other Parties or other witnesses, etc. Except in the rare circumstances described in the Code, only information that is presented to the investigator may be used in a hearing.
- 2.** The investigator will provide the interview summaries to all parties and witnesses to review and provide additional comments and clarifications. Comments must be received within five days of receiving the interview summaries. The investigator will revise the interview summaries based on relevant comments provided by the parties and witnesses.

### **b. Preliminary report review**

- 1.** At the conclusion of the investigation, the investigator will draft a Preliminary Report of Investigation (Preliminary Report). The preliminary report will include the steps taken during the investigation., a list of witnesses contacted. a detailed summary of any witness interviews. a detailed summary of any interviews of the respondent or complainant (if applicable). a detailed summary of any other information considered as part of the investigation. and complete copies of any relevant documentary evidence gathered during the investigation, including copies of documentary information provided by the respondent or the complainant.
- 2.** The Preliminary Report will not include any conclusions, findings of facts, credibility analysis, or recommended findings of responsibility of Code violation.

**3.** The parties will be provided an opportunity to review the Preliminary Report and may provide a written response to the Preliminary Report within five days of the review of the report. A party will be deemed to have waived the right to review the report if the party does not make arrangements with the investigator to review the report within five days of being notified that the report is available to be reviewed. The written response may include requests for additional investigation, additional witnesses to interview, or additional questions to ask any witness.

**4.** After the time for submitting a written response to the Preliminary Report has passed, the investigator will review any responses received and determine whether additional investigation is needed. After addressing the responses, if any, the investigator will incorporate the responses into the final report.

**5.** The investigator has sole discretion of determining whether sufficient information has been obtained to end the investigation process.

### **c. Final Report of Investigation**

**1.** The Final Report of Investigation (final report) will include the following:

- Everything included in the Preliminary Report,
- Complete copies of any timely-submitted written responses to the Preliminary Report,
- A credibility analysis,
- Findings of facts, and
- Recommended findings of responsibility.

**2.** The final report will be provided to the Administrator. The Administrator or designee will provide the final report simultaneously to the parties. The investigator may serve as the Administrator's designee to send out the final report to parties.

**3.** The credibility analysis is an analysis of the statements provided by each party and interviewee, as necessary, to determine whether the statements provided by that person are credible. The analysis may include a description



of the person's demeanor during the interview(s), a comparison of statements made to known facts or statements from other witnesses, the person's ability to observe the event described, the person's bias, whether the person was under the influence of a controlled substance or alcohol, and any other information that a reasonable person would use to determine a person's credibility. Not every case will require a detailed credibility analysis of each interviewee, and the credibility analysis may be part of the finding of facts. However, in cases where the credibility of the interviewee is material to the conclusion, there should generally be a separate credibility analysis.

**4.** The findings of facts will include a description of the basis for each finding. Each finding will be based on a more likely than not standard and will include a rationale based on supporting documentation or information such as information from the interviews, documentary information obtained during the investigation, and, if relevant to that finding, information regarding the credibility of the respondent, complainant and/or witnesses.

**5.** The recommended finding of responsibility includes the specific section of the code of conduct that was reportedly violated, which will not exceed the scope of the notice of allegation. The investigator will provide their assessment regarding the finding of responsibility based on the totality of the investigative report.

#### **d. Review by Administrator**

**1.** The final report will be provided to the Administrator. The Administrator or designee will provide the final report simultaneously to the parties. The parties may submit a written response to the final report to the Administrator no later than five days after the final report is provided to the parties. The Administrator may meet with the parties, separately, to discuss the final report.

**2.** If all parties agree to the recommended findings of responsibility, the parties can request that the Administrator make a decision on applicable outcomes only, and forgo a request for a hearing. If parties do not agree with the recommended findings of responsibility, the decisions regarding findings of responsibility are made by either the Administrator or the Student Conduct Board (SCB).

**3.** Decisions regarding findings of responsibility are made either by the Student Conduct Board after a hearing or by the Administrator after their review. A party may request that the matter be referred to the SCB for a hearing. The request must be in writing and must be submitted to the Administrator no later than five days after the final report is provided to the parties. The Administrator may also decide to refer matters to the SCB.

#### **e. Decision by Administrator**

**1.** If a matter is not referred to the SCB for a hearing, the Administrator will decide whether the respondent violated the Code. The Administrator will make the decision based on the information contained in the final report, the written responses to the report, if any, submitted to the Administrator by the parties, and, if the Administrator chooses to meet with the parties, the information provided at the meeting to the Administrator by the parties.

**2.** The Administrator will adopt the findings of facts, credibility analysis, and recommended findings of responsibility of Code violation contained in the final report if the Administrator finds that they are more likely than not to be accurate. Any additional or different findings issued by the Administrator must be based on a more likely than not standard.

**3.** If the Administrator determines that the respondent violated the Code, the Administrator will determine the appropriate outcome.

**4.** The Administrator's decision will be in writing and include the basis for the decision. The written decision will be simultaneously provided to the parties.

**5.** The Administrator's decision may be subject to a response review in accordance with the Code.

**6.** At any time before the matter is submitted to the SCB, DOS may refer a charge of a violation of the Code to mediation or other forms of appropriate alternative resolution. All parties must agree to participate with DOS in an alternative resolution process.

#### **f. Hearing and Decision by Student Conduct Board**

**1. Student Conduct Board in general.** The description and makeup of the SCB can be found in FSH [1640.83](#).

**2. Conflict of interest.** A member of the SCB will not serve on any Hearing Panel or Response Review Panel in any case where the member has a conflict of interest or bias for or against either party.

**3. Training required.** A member cannot serve on either a Hearing Panel or Response Review Panel until the member has completed training as required by DOS.

**4. Confidentiality.** Proceedings before the SCB, whether before a Hearing Panel or Response Review Panel, are confidential and protected by the Family Educational Rights and Privacy Act (FERPA). In specific disciplinary cases, members of the SCB must protect the confidentiality of the information they receive in fulfilling their duties as members of the SCB. Panel members must not discuss specific cases or share any information regarding specific disciplinary cases or their deliberations with anyone other than the SCB Chair, the Office of General Counsel, the Administrator, or fellow panel members appointed to the same panel in that specific case, and in all such instances, the discussion or sharing of information must be reasonably necessary for the panel's consideration of the specific case.

**5. Notice of Hearing.** In matters referred to the SCB, the Administrator or designee must send written notice of the hearing to the SCB and the parties. The notice will include the following:

- a. the specific provision(s) of the Code the respondent is accused of violating.
- b. short description of the basis of the alleged violation,
- c. the date and time for the hearing, and
- d. the deadline for submitting written materials to the Administrator.
- e. a link to or copy of the final report and any responses to the final report which were timely submitted to the Administrator.

**6. Scheduling**

The hearing will be held no fewer than five days after the notice is provided to the parties, unless extended by the Administrator. It is each party's responsibility to inform the panel chair and the Administrator of scheduling conflicts no less than three days prior to the scheduled hearing. The Administrator will have the sole discretion as to whether to reschedule the hearing. Except in cases of grave or unforeseen circumstances, if either party fails to appear, the hearing will proceed as scheduled.

## **7. Consolidation**

If a report of a violation of the Code involves more than one respondent, the Hearing Panel will conduct a joint hearing with all respondents. However, the panel chair may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate decisions of responsibility will be made for each respondent.

## **8. Composition of the Hearing or Response Review Panel**

- a.** The chair of the SCB will appoint three to five members of the SCB to serve as a Hearing Panel to review each matter.
- b.** The chair of the SCB will appoint one of the Hearing Panel members to serve as chair of the panel. If procedures call for the appointment of three or more members to serve on a Hearing Panel or Response Review Panel, the chair of the SCB should endeavor to appoint at least one student to the Hearing Panel or Response Review Panel. A student may not serve as chair of the Hearing Panel or Response Review Panel.
- c.** The Administrator (or designee) will serve as a non-voting, ex-officio member of every Hearing Panel and may be present and available as a resource during all deliberations.

**9. Pre-hearing procedures.** In every case submitted to a Hearing Panel, the parties may submit written materials for the panel to review as part of its decision. To be considered by the Hearing Panel, all written materials must be submitted to the Administrator prior to the deadline set forth in the notice. The Administrator will ensure that any materials timely submitted are distributed to the parties and the Hearing Panel prior to the hearing. The written materials may only consist of the following:

- a.** Suggested questions for the panel to ask the respondent or the complainant.
- b.** Written discussion or argument addressing the information contained in the final report.
- c.** Information (as opposed to a discussion of the information contained in the report) that was not considered by the investigators in the final report only if the information was not available prior to the completion of the final report or if the information was provided to the investigator prior to the completion of the investigation but the information was not included in the final report.

## **10. Hearing logistics**

- a.** The hearing will be held at the time and place listed in the notice.
- b.** All hearings are closed to the public. The only people allowed to be present during the hearing are the parties, each individual party's Advisor, the investigator(s), the Administrator, members of the Hearing Panel, and others only if requested by DOS.
- c.** Hearings may be held in person or using secure video conferencing software supported by the University. The University will make a single record of all hearings. Hearing Panel deliberations are not recorded. Failure to record the hearing for any reason is not to be considered a procedural error that substantially impacts the decision and will not be grounds for response review or reversal of the Hearing Panel's decision. All parties will work with the Administrator for access to the software and a private secure space to use the software.
- d.** All parties are invited to fully participate in the hearing. The administrator may grant any party the ability to attend the hearing, answer questions, and make a statement from behind a partition, from another room, or through another alternative method.
- e.** The complainant, if any, may only be present during the portion of the hearing where the Hearing Panel questions the complainant, unless the Administrator determines in appropriate cases that the complainant may remain for the entire hearing. In extraordinary

circumstances, if the investigator is unable to be present at the hearing, the DOS may designate a representative to be there in the place of the investigator. Neither the complainant nor the respondent is required to speak at the hearing.

**f.** The panel chair may give permission for others to attend the hearing in the panel chair's discretion, after consultation with the Administrator. Additional witnesses may be called by the chair after consultation with the Administrator if additional witnesses are necessary for the Hearing Panel to properly resolve the case. The intention of the Code is that the final report, in most cases, should provide a sufficient basis for the Hearing Panel's decision, recognizing that the parties may speak in person to the Hearing Panel and to respond to the final report.

**g.** Only the chair of the Hearing Panel may ask questions during the hearing and doing so is at the sole discretion of the chair. However, the chair may seek input from panel members on areas for questioning. The parties may submit suggested questions in writing if the questions are received prior to the deadline for submitting written materials contained in the notice. Questions based on information that arises during the hearing may be submitted in writing during the hearing at the discretion of the panel chair.

**h.** The hearing will generally be conducted as follows:

**i.** Introductions to those present

**ii.** Summary of the hearing process

**iii.** Explanation of the charges against the respondent

**iv.** Opening statement by the complainant (if applicable) addressing the final report and the allegations that the respondent violated the Code.

**v.** Opening statement by the respondent addressing the final report and the allegations that the respondent violated the Code.

**vi.** Questions, if any, by the Hearing Panel chair for the investigator(s) or the parties.

**vii.** Final statements by the parties.

**viii.** All parties dismissed, and the recording of the hearing is stopped.

**ix.** Hearing Panel deliberation.

## **11. Hearing Panel decision.**

**a.** All Hearing Panel decisions will be made by a majority vote.

**b.** In making its decision, the Hearing Panel will consider all relevant information from the following sources:

**i.** The final report.

**ii.** Any written information provided by the parties as provided above.

**iii.** The information received at the hearing.

**c.** The Hearing Panel should adopt the findings of facts, credibility analysis, and recommended findings of responsibility of Code violations contained in the Final Report, unless the Hearing Panel finds that the information presented at the hearing warrants a different conclusion. Any findings of responsibility of Code violation issued by the Hearing Panel must be based on a more likely than not standard.

**d.** The Administrator will also serve as a resource to the Hearing Panel, including to help ensure that outcomes are reasonably consistent among similar cases. If the Hearing Panel determines that a respondent is responsible for a violation of the Code, the Administrator will inform the panel of any previous conduct violations or other relevant disciplinary actions involving the respondent.

**e.** The Hearing Panel will not consider previous legal or campus proceedings when determining responsibility for violation of the Code. The Hearing Panel may consider such previous proceedings solely

when determining outcomes after a finding of responsibility is made.

**f.** The Hearing Panel will issue a written decision within 10 days after completing deliberations. If the Hearing Panel needs additional time to issue the written decision, the Administrator will notify the parties. The panel chair will provide the written decision to the Administrator, who will then simultaneously provide the decision to the parties.

**g.** The Hearing Panel may return the matter for additional investigation if the Hearing Panel determines that:

**i.** The investigator failed to properly investigate the allegation and the failure was substantial and impacted the decision. or

**ii.** There is new information that could substantially affect the decision and the new information could not have been discovered before the issuance of the final report.

#### **F-8. Response to the Formal Resolution Process Decision**

**a.** Any party may respond to the Formal Resolution Process decision, whether it was made by the Administrator or the SCB.

**b.** Responses are not limited to arguments that the Hearing Panel decision should be overturned or modified but can be statements in support of the findings of responsibility of Code violations using the factors for response established below. That is to say, the Response is an opportunity to argue in favor of, or against, the decision based on the specific listed factors.

**c.** Outcomes imposed by the Hearing Panel will not go into effect until either the deadline for a response has expired and no response has been filed or until the decision is upheld after response. However, the Administrator may impose any outcome issued by the Hearing Panel as an interim action pending the response review.

**d.** Any party may submit a response to the Administrator's, Hearing Officer's, or Hearing Panel's final decision. Responses must be submitted in writing to the Administrator and must set forth the grounds for the response. The response must be filed no later than five days after the decision is delivered



to the parties. Responses are to be directed to the University and will not be provided to other parties in the case, if any. There is no expectation that the response be of a certain level of formality or read like a legal filing.

**e. Responses are limited to the following grounds:**

- 1.** A conflict of interest by a decision maker that significantly impacted the outcome of the hearing or a procedural error in the investigation process that significantly impacted the outcome of the hearing.
- 2.** New information, unavailable during the investigation or hearing, or information that was technically available but for which no reasonable person would have sought that information in advance of the hearing, as the need for the information or its evidentiary value did not reasonably arise until during the hearing, and that would likely have substantially impacted the original findings of responsibility of Code violation or outcome if known.
- 3.** The outcomes imposed are substantially disproportionate to the severity of the violation. Note that the imposition of an administrative fee is not a outcome, and therefore cannot be reversed or modified.

**f.** A response review will be limited to a review of the decision, the final report, any written material considered in the decision, the recording of the hearing held before the Hearing Panel, and- any written materials submitted with the response. Where a response is based on the discovery of new information, the new information may be considered only to determine whether the information was unavailable at the time of the decision and whether the new information would likely have substantially impacted the original findings of responsibility of Code violation or outcome if known.

**g. Response review procedure**

- 1.** The chair of the SCB will appoint three to five members of the SCB to serve on the Response Review Panel and will designate one member to serve as chair of the Response Review Panel. Any member who served on the Hearing Panel will not serve on the Response Review Panel on the same case. A student may not serve as chair of a Response Review Panel.

**2.** The Response Review Panel will issue a written decision. The decision should be issued within 15 days of receiving the response or responses. The chair of the Response Review Panel will provide the written decision to the Administrator, who will then simultaneously provide the decision to the parties.

**3.** The Response Review Panel may:

**i.** Uphold the Administrator's, Hearing Officer's, or Hearing Panel's decision.

**ii.** Uphold the finding that the respondent violated the code but revise the outcome(s).

**iii.** Return the matter for reconsideration. or

**iv.** Return the matter for additional investigation.

**h.** Unless the case is returned for reconsideration or to the investigator for additional investigation, the decision of the Response Review Panel is the final institutional decision. If the decision upholds the finding that the respondent violated the Code, the outcomes imposed will go into effect immediately.

## **F-9. Supplemental process and standards applying to allegations of academic dishonesty**

**a.** Academic dishonesty allegations are processed following the Conduct Resolution Processes in the Code. Following a report to DOS of instances or concerns of academic dishonesty, DOS will investigate the incident and will determine if there is a code violation, resulting in potential outcomes intended to address acts of academic dishonesty. Instructors may issue an academic outcome separate from any outcome that the DOS may impose if under the Code there is a finding of responsibility for academic dishonesty/misconduct.

**b.** The following information supplements the resolution processes in cases of academic dishonesty:

**1.** When the alleged academic dishonesty is discovered by the instructor, the instructor will notify the student of the allegation of academic dishonesty and will notify DOS.

- 2.** DOS receives the report and communicates with the instructor on the process of resolving the complaint.
- 3.** The instructor will have an opportunity to provide additional information regarding the allegation.
- 4.** DOS will meet with the student and may seek additional information from the instructor.
- 5.** The instructor is included in the following communication with the student: the notice of allegation and decision letter.
- 6.** If the student chooses an informal process, DOS will meet with the student and provide an informal decision, consistent with policies, progressive discipline, and other previous and similar examples of academic dishonesty. The outcome of an informal process is not eligible for Response Review.
- 7.** If the student chooses a formal process, the hearing officer will conduct a formal investigation and will interview the instructor and other witnesses as part of the investigation.
- 8.** In disciplinary cases involving allegations of academic dishonesty, a majority of the Hearing Panel or Response Review Panel should be faculty members.
- 9.** The resolution decision of DOS, subject to the Response Review process outlined in the Code, is final.
- 10.** The instructor will not issue an academic outcome until after the conclusion of the resolution process, including any responses, and after the decision is communicated to the student.
- 11.** In situations where grades need to be submitted and the process is not yet complete, the instructor will enter a grade of “incomplete” until the process is complete.
- 12.** In situations where the instructor is no longer in their position prior to the completion of the conduct process, the instructor of record or the chair of the department may be asked to step in to finish the conduct process and

the instructor may coordinate the final grade based on the totality of the academic performance.

## F-10. Outcomes.

a. Outcomes may be imposed for any student determined to have violated the Code. Possible outcomes include, but are not limited to:

- **Warning:** Written notice to the student.
- **Probation:** Written reprimand accompanied by a probationary period during which the student must not violate the Code to avoid more severe disciplinary outcomes.
- **Loss of privileges:** Denial of specified privileges for a designated period of time.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
- **Educational outcomes:** Completion of work assignments, essays, service to the University, community service, workshops, or other related educational assignments.
- **Deferred suspension:** The last opportunity before being suspended, which remains in place until the natural end of the academic relationship with the University.
- **Housing suspension:** Separation of the student from University Housing for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.
- **Housing expulsion:** Permanent separation of the student from University Housing.
- **University suspension:** Separation of the student from the University for a definite period, after which the student is eligible to return. Conditions for return may be specified.
- **University expulsion:** Permanent separation of the student from the University.
- **Revocation of admission:** Admission to the University may be revoked.

- **Revocation of degree:** A degree awarded from the University may be revoked.
  - **Withholding of degree:** The University may withhold awarding a degree otherwise earned until the completion of all outcomes imposed.
- b.** More than one of the outcomes listed above may be imposed for any single violation.
- c.** A student who fails to comply with the outcome(s) imposed will have a disciplinary hold placed on their record until the student complies with all outcome(s) imposed.
- d.** Disciplinary outcomes other than suspension, expulsion or revocation or withholding of a degree will not be made part of the student's permanent academic record but will become part of the student's disciplinary record. Such outcomes will be expunged from the student's disciplinary record seven years after final disposition of the case unless the University is legally required to maintain them for a further time.

## **G. MISCELLANEOUS**

**G-1. Role of an advisor.** In accordance with the educational purpose of the Code, all students, including respondents and complainants, are expected to speak for themselves at all stages of proceedings under the Code, including, but not limited to, during the investigation, hearing, and any response. Any student may have an Advisor present at any time during any interview, meeting, or proceeding under the Code, but the Advisor's role is to advise the student, not to speak for the student or make any presentation on behalf of the student. The student may, at any time and for a reasonable period of time, confer with the Advisor. If the University official conducting the proceeding determines at any time that the Advisor is acting outside of these parameters, the Advisor may be required to leave the proceeding at the official's discretion. In appropriate circumstances, at the sole discretion of the University official conducting the proceeding, the University official may allow the Advisor to speak on behalf of the student or make a presentation on behalf of the student.

**G-2. Administrative fee.** Any time a student is found to have violated the Code, except in situations where the hearing officer issues only a warning, the hearing officer may impose an administrative fee of \$150. This is not considered an outcome and will not be a subject of a response review.

**G-3. Parent notification.** The University may notify parents of students under the age of 21 when a student has been found to have committed a drug-or alcohol-related violation. This is not considered an outcome and may not be a subject of a response review. The decision as to whether to notify the parents or not rests entirely within the discretion of DOS.

**G-4. Training.** All members of the SCB, the Administrator, and the investigators will receive annual training in accordance with the requirements of the policies of the Board of Regents of the University of Idaho and the Idaho State Board of Education, as well as all applicable federal and state laws.

**G-5. Timeframe.** With the exception of deadlines for requesting a hearing before the SCB (see section F.7) or for filing a response (see section F.8), all other timeframes contained in the Code are suggested timeframes. While the timeframes should be followed absent exceptional circumstances, the failure to conduct any action within a designated timeframe is not grounds for response review or reversal of any decision.

**G-6. Interpretation.** Any question of interpretation regarding the Code or these procedures will be referred to the Administrator or their designee for final decision.

**G-7. Disclosure.** The University will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of Title 18, United States Code), incest, or statutory rape, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the reporting victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the victim for purposes of this paragraph.

**G-8. Review by President:** Any decision or action taken under the Code may be reviewed by the President at the President's discretion.

**G-9. Review by Board of Regents:** Board of Regents review of a final institutional decision to the Board of Regents is governed by Idaho State Board of Education Governing Policies and Procedures Section III.P.17.

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# Version History

**Amended January 2024.** Complete rewrite. FSH 2300 Student Code of Conduct and FSH 2400 University Disciplinary Process for Alleged Violations of Student Code of Conduct were combined into one policy, FSH 2300 Student Code of Conduct and Resolution Process. FSH 2400 was deleted. Procedure related to Title IX sexual harassment was removed to align with the recently revised FSH 6100.

**Amended August 2023:** Editorial and legal edits.

**Amended August 2023:** Interim policy. Complete rewrite. FSH 2300 Student Code of Conduct and FSH 2400 University Disciplinary Process for Alleged Violations of Student Code of Conduct were combined into one policy, FSH 2300 Student Code of Conduct and Resolution Process. FSH 2400 was deleted. Procedure related to Title IX sexual harassment was removed to align with the recently revised FSH 6100.

**Amended July 2021.** Editorial changes.

**Amended July 2014.** All disciplinary language from FSH 2300 Student Code of Conduct was consolidated into FSH 2400 and updated removing redundancies in policy.

**Amended July 2009.** Editorial changes.

**Amended January 2007.** Reformatted the Student Code of Conduct into subsections for easier management of judicial cases

**Amended July 2005.** Revised Article II, Section 2.

**Amended July 1998.** Revised Article II.

**Amended July 1993.**

**Amended July 1992.**

**Adopted July 1970.**